

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Amateur Radio Service Rules to Eliminate)	RM - 10786
Morse Code Proficiency Testing Requirements)	
For All Classes of Amateur Licenses)	
)	
To: The Commission)	

Comments Of Stephen S.L. Earley – N0SHT

- With the advent of computers, Internet, and cell phones, times and technology have changed dramatically in recent years, and the previously claimed reasons for requiring Morse proficiency of all amateur radio operators have disappeared.
 - Virtually no government or commercial radio service uses Morse telegraphy in today's world.
 - Thus, the historical need of the government, commercial, and maritime services for a "pool of (Morse) trained operators" has ceased to exist.
 - Morse Skill is no longer required for effective emergency communications by amateur operators
 - Morse Skill is no longer being retained by current operators, many learned Morse to pass a test and only operate in data or voice modes as their Morse degenerates. There is no periodic proficiency test to force skill retention.
- The maintenance of Morse proficiency tests as a requirement for any amateur radio license is no longer in accord with the purpose of the amateur radio Service and serves no legitimate regulatory purpose.
- The *ONLY* reason that the Commission cited in its most recent comprehensive review of its Part 97 amateur rules (WT Docket No. 98-143) for keeping *any* Morse testing at the its decision in that Proceeding no longer exists.
 - The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that that meets the [ITU] Radio Regulations.
 - The "*minimum requirement that meets the ITU Radio Regulations*" for any class of amateur license is now no Morse test at all.
- Since the Commission is no longer bound by an unwaiveable requirement in the ITU Radio Regulations it can, and should, act promptly to remove an unnecessary, restrictive requirement.

- It is not in the public interest for the Commission to impose more onerous and unnecessary burdens on those seeking a Commission-issued amateur radio license.
- The Commission's own determinations, as well as a significant body of public comment, from the Proceedings in both 1990 and 1999, as referenced in the NCI Petition, clearly demonstrate that a Morse proficiency test requirement is unnecessary and undesirable, in that:
 - It does not comport with the basis and purpose of the Amateur Radio Service.
 - It acts as a barrier to entry or advancement to otherwise qualified persons.
 - It is not necessarily indicative of an individual's ability to contribute to the advancement of the radio art.
 - It does not provide any indication of the examinee's good character, high intelligence, cooperative demeanor, or willingness to comply with the Commission's rules.
 - It no longer continues to serve a regulatory purpose.
 - It otherwise does not serve the public interest and necessity.
- This course would be a wise, correct, and prudent decision on the Commission's part, because:
 - as pointed out, it is clearly within the Commission's authority;
 - it would save considerable drain on the Commission's limited and valuable resources in dealing with a matter that the Commission has already considered extensively;
 - and, it would remove an unnecessary, restrictive burden, *that the Commission has already determined does not comport with the purpose of the Amateur Radio Service and serves no regulatory purpose.*
- In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules *in the most expeditious manner possible*:
 - Eliminate the "Element 1" Morse test totally from the Commission's rules for all license classes.
 - Since the only testing distinction between the Technician class and the (grandfathered) Technician Plus class is the "Element 1" Morse Test, modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and "Technician with Morse credit" licensees.

Respectfully submitted,

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